

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

MAXIMILIANO IXTEPAN and INES)	
ZALA, Natural Father and Mother of)	
JOAQUIN IXTEPAN, Deceased)	
)	
Plaintiffs,)	
)	
v.)	Cause No.: 1:14-cv-142
)	
BEELMAN TRUCK COMPANY, INC.)	
And)	
KENNETH WEAVER,)	
)	JURY TRIAL DEMANDED
Defendants.)	

NOTICE OF REMOVAL

COMES NOW Defendant Beelman Truck Company, (hereinafter “Defendant Beelman”), by and through its attorneys, Roberts Perryman, P.C., and files its Notice of Removal stating the following:

INTRODUCTION

1. A civil action has been commenced and is now pending in the Circuit Court of Perry County, Missouri, Cause No: 14PR-CC00037, wherein Maximiliano Ixtapan and Ines Xala are the Plaintiffs, and Beelman Truck Company and Kenneth Weaver are the Defendants.

2. This action is a civil action wherein Plaintiffs plead damages for the wrongful death of Plaintiffs’ Decedent, Joaquin Ixtapan, as a result of Defendants’ alleged negligence in connection with a motor vehicle accident of July 25, 2014.

3. Defendant Beelman was served with a copy of the initial pleadings on September 8, 2014.

DIVERSITY OF CITIZENSHIP EXISTS

4. This action is a civil action, of which the United States District Courts have original jurisdiction pursuant to 28 U.S.C. §1332, and is one which may be removed to this court by Defendant Beelman pursuant to 28 U.S.C. §1441, and that this is a civil action or proceeding involving diversity of citizenship.

5. Plaintiffs Maximiliano Ixtepan and Ines Xala are citizens of Veracruz, Mexico.

6. Defendant Beelman is a Delaware corporation, with its principal place of business in Illinois.

7. Defendant Kenneth Weaver, is a citizen of Red Bud, Illinois.

8. Therefore, complete diversity exists between Plaintiffs and Defendants.

THE AMOUNT IN CONTROVERSY HAS BEEN SATISFIED

9. The amount in controversy exceeds the amount of \$75,000.00 exclusive of interest and costs. This is a cause of action brought under Missouri's wrongful death statute where plaintiffs seek to recover damages for "*pecuniary loss they have lost their son's financial support, they have incurred medical and funeral expenses and have been permanently deprived of his services, consortium, companionship, comfort, instruction, guidance, society, counsel and support.*" Plaintiffs further seek to recover for "*pain, suffering and death sustained by decedent, in addition to those damages contemplated by RSMo. §537.090.*" As such, Defendant believes the amount in controversy of Plaintiffs' claims does and will exceed the minimum jurisdictional amount, whereas the amount in controversy requirement is satisfied.

NOTICE OF REMOVAL IS TIMELY

10. Less than thirty (30) days has elapsed since receipt of said initial pleadings by Defendant Beelman in this matter, which consents to the removal of this action.

11. Defendant Kenneth Weaver has consented to the removal of this matter.

12. Defendant Beelman files herewith a copy of all process, pleadings, and orders served upon it in this action. *See; Exhibit A.*

WHEREFORE, Defendant Beelman Truck Company prays the Court to accept its Notice for Removal, and make and enter such orders as may be necessary to effect the complete removal of this action from the Circuit Court of Perry County, Missouri to the United States District Court for the Eastern District of Missouri, and that further proceedings be discontinued in the State Court and all future proceedings be held in this Court, as the laws in such case provide.

Respectfully submitted,

ROBERTS PERRYMAN, P.C.

/s/ Jason D. Guerra
Ted L. Perryman, #28410MO
Jason D. Guerra, #54567MO
1034 S. Brentwood Blvd, Suite 2100
St. Louis, MO 63117
(314) 421-1850
(314) 421-4346 Facsimile
tperryman@robertsperryman.com
jguerra@robertsperryman.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2014 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

FOX GOLDBLATT & SINGER PC

William K. Holland

Christopher A. Allen

720 Olive Street, Suite 1901

St. Louis, MO 63101

**ATTORNEY FOR MAXIMILIANO IXTEPAN AND INES XALA
PARENTS JOAQUIN IXTEPAN (DECEASED)**

/s/ Jason D. Guerra

1034 S. Brentwood Blvd

Suite 2100

St. Louis, MO 63117